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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,574	12/20/2001	Kenneth Sugrim Singh	US010554	3288

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EXAMINER

VAN HANDEL, MICHAEL P

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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08/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/028,574

Applicant(s)

SINGH, KENNETH SUGRIM

Examiner

Michael Van Handel

Art Unit

2623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 August 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


CHRIS KELLEY

SUPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER 2600

Continuation of 11.

Regarding claims 1, 8, 15, and 22, the applicant argues that Harrison does not teach or suggest that the at least one script is executable by the shell to select broadcast programming for demodulation from among one or more concurrently airing programs each matching at least one of a plurality of user-specified descriptive criteria. The examiner respectfully disagrees. The applicant specifically argues that Harrison is directed towards a plurality of tuners receiving and demodulating different television signals, and storing the demodulated television signals for subsequent display or recording. The applicant further specifically argues that Harrison discloses a signal processing and selection unit (SPSU) 104 for selecting a television signal from a plurality of television signals that have already been received, demodulated and stored.

Harrison discloses a signal processing and selection unit (SPSU) 104 comprising a plurality of tuning units 200 for receiving audio and video signals (television signals)(col. 3, l. 34-36 & Fig. 2). The tuning units 200 receive video signals in a broadcast signal from a transmission source, such as a television broadcasting station. The tuning unit 200 selects one channel out of several being broadcast and received for display on the display unit (col. 4, l. 12-17). Harrison further discloses a profile unit 260 that stores profile information that includes a prioritized list of predefined channels and channel data that specify items of interest to be monitored by the tuning units 200 (col. 3, l. 65-67 & col. 4, l. 1). The profile unit 260 includes a channel storage location for storing preprogrammed channel selections to be monitored. The user can program and reprogram channel selections in the channel storage location (col. 4, l. 65-67 & col. 5, l. 1-11). The channel selections are illustrated in the Personal Profile of Fig. 3A as CNN, ESPN, CBS, and CSPAN. Since the user sets the channels to be monitored, and the priorities, triggers, and actions associated with the channels, the examiner maintains that Harrison meets the limitation of "the at least one script is executable by the shell to select broadcast programming for demodulation from among one or more concurrently airing programs each matching at at least one of a plurality of user-specified descriptive criteria," as currently claimed.

Further regarding claims 1, 8, 15, and 22, the applicant argues that Harrison does not teach or suggest an executable script. The examiner respectfully disagrees. The applicant specifically argues that the examiner erroneously defined the term "script" in light of Applicant's specification.

Applicant's specification describes firmware 101 that includes an interactive program ("Shell") 102 employed to create and run scripts, text-based sequences of instructions or commands for controlling operation of the video receiver 100 (p. 8, lines 3-5). The examiner acknowledges the applicant's argument that the examiner misconstrues this passage; however, the examiner respectfully disagrees that the passage indicates a shell that can create either scripts or text-based sequences of instructions or commands, since the rest of Applicant's specification is replete with discussions of scripts monitoring channels for keywords or descriptive criteria. The examiner also notes that Applicant's invention is directed towards a script-based method (see title & Fig. 1). Applicant's specification further indicates that the lexicon and associated syntax for the script language should be simple and taken from everyday terms with which the viewer is familiar (p. 13, lines 15-18). Even if Applicant's specification fails to define a script, the examiner notes that a shell is a program that interprets sequences of text input as commands (see IEEE 100, The Authoritative Dictionary of IEEE Standards Terms, Seventh Edition, 2000). The applicant further argues that, rather than teaching an executable script, Harrison discloses a data structure that simply stores textual indicia. The applicant states that such indicia simply identifies a type of action to be performed, but none of the indicia can be ran to perform the action. The examiner respectfully disagrees. Harrison discloses that the analyzing unit uses a user specified predefined list of text including "triggers" and items of channels stored in a profile unit 260 to determine which channels to display to the user (col. 4, l. 43-50 & Fig. 3A). Since the user-specified text in the profile unit is used to instruct the analyzing and arbitrating units on what functions to perform, the examiner maintains that the text is used to perform the actions in the profile.

Still further regarding claims 1, 8, 15, and 22, the applicant argues that Harrison does not teach or suggest a shell. The applicant specifically argues that Harrison does not teach or suggest an interactive program employed to create and run scripts. The examiner respectfully disagrees. As noted in the Office Action mailed 6/12/2007, Harrison discloses a profile unit 260 with user-programmable contents (col. 5, l. 35-40 & Fig. 2). The profile unit 260 allows the user the flexibility to program and reprogram information in the profile unit (Figs. 3A & 3B). Harrison further discloses a main memory 103 coupled to bus 101 that stores data and instructions for a processor 102 and other devices coupled to the bus 101 (col. 3, l. 6-13). Since the processor 102 accepts user commands and forwards them to appropriate components over bus 101 (col. 3, l. 1-33), the examiner interprets the processor and main memory to be of conventional nature, that is, they are components of a computer system that perform the basic operations of the system, that exchanges data with the system's peripherals, and that manages the system's other components (see <http://www.m-w.com/dictionary/cpu>). The user commands entered in the user profile are ultimately communicated to the analyzing units, where triggering text is searched, and to the arbitrating unit, which resolves display contentions between the analyzing units depending on the profile data. Since the data instructions stored in the main memory 103 and processed by the processor 102 perform the basic operations of the system and exchange data between the system's components, the examiner maintains that they comprise an interactive program that creates and runs scripts.

Regarding claims 4 and 5, the applicant argues that Kitsukawa et al. does not teach or suggest controlling operation of a video receiver to cause broadcast of commercials for a particular product to be demodulated and transmitted to a recording device or controlling operation of the video receiver to cause broadcast only of commercials that provide sales information as private data along with broadcast program content. The examiner respectfully disagrees. Kitsukawa et al. discloses an integrated receiver/decoder (IRD) that provides coupon information along broadcasts of associated television programs (col. 10, l. 41-43). A user can select a stored coupon display mode, which results in the storing of the coupon information for presentation at a later time (col. 10, l. 61-67 & col. 11, l. 1). The coupon information for particular items is stored on a removable recording medium (col. 11, l. 35-38). As such, the examiner maintains that Kitsukawa et al. suitably remedies the deficiencies of Harrison and that it further be obvious to one of ordinary skill in the art at the time that the invention was made to modify the triggered actions of Harrison to include storing coupons, such as that taught by Kitsukawa et al. in order to provide potential customers with product information and incentive to purchase (Kitsukawa et al. col. 1, l. 52-55).

Regarding claim 24, the applicant argues that modifying Harrison with the user provided search requests of Williams et al. would not provide for periodic execution of a script to check future programming, since Harrison analyzes web page information for television signals

that have already been received, demodulated, and stored for display and recording, and not future broadcasting. The examiner respectfully disagrees. As noted in the Office Action mailed 6/12/2007, Harrison discloses a system for analyzing different types of data including text, numbers, graphics, and Internet URL's (col. 3, l. 56-60 & col. 5, l. 43-46). The system can analyze data within the vertical blank interval (VBI) of a transmitted television signal (col. 4, l. 35-39). When an analyzing unit detects a user-provided search trigger, a corresponding action is performed. In the case of Internet URL's, when an Internet URL is received, the web page to which the received Internet URL points is retrieved. The web page retrieved is searched for data, which matches the criterion specified by the corresponding triggering portion of the profile unit data (col. 6, l. 23-28). Williams et al. discloses a system that scans programming information found in a program database periodically to identify programs, which may be of particular interest to the user, based on a user profile. A user profile database includes storage for user-defined requests for specific titles of shows/movies or keywords. Given a particular search request, a system controller 104 searches the programming information each time it receives updated programming information (via an on-line service, etc.) and prompts the user with the found information (col. 11, l. 31-44). Williams et al. further discloses that system controller 104 may provide programming suggestions to a user well in advance (col. 12, l. 7-8). Although Harrison discloses monitoring URL's of current television broadcasting, the examiner notes that the retrieved web page associated with the URL may contain future broadcast programming to be searched, such as the programming information provided by the on-line service of Williams et al. As such, the examiner maintains that Williams et al. suitably remedies the deficiencies of Harrison and that it further be obvious to one of ordinary skill in the art at the time that the invention was made to modify Harrison to include periodically searching future programming information, such as that taught by Williams et al. in order to prevent a user from missing programming that matches their interests.